

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TIMOTHY LEE STEWART, SR.,

Plaintiff,

v.

OFFICER REESE, JOHN DOE 3RD SHIFT,
ANDREW P. BANKS, JANESVILLE POLICE
DEPARTMENT, THREE ROCK COUNTY SWITCH
BOARD OPERATORS, and SGT. HOLFORD,

Defendants.

OPINION and ORDER

23-cv-240-jdp

Plaintiff Timothy Lee Stewart, Sr., alleged that Janesville police officers failed to arrest a neighbor of his who was harassing him. I dismissed the complaint for failing to state a claim upon which relief could be granted and gave him a chance to file an amended complaint. Dkt. 4.

Stewart has filed an amended complaint, Dkt. 5, that is difficult to follow and too long (68 pages) to satisfy Federal Rule of Civil Procedure 8(a)(2), which requires that a complaint contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” Much of the complaint reiterates Stewart’s longstanding belief that his landlord, neighbors, and members of the Janesville Police Department are conspiring to violate his rights. As I have told Stewart in several other cases, his allegations do not support plausible claims that these individuals are working together to harm him. Stewart’s amended complaint predates my recent order sanctioning him for filing repeated baseless allegations of a conspiracy. *See Stewart v. Arndt*, No. 23-cv-465-jdp, slip op. at 2–3 (Jan. 16, 2024). So I won’t sanction him further for his amended complaint in this case. But I’ll remind him that I will consider further sanctions against him if he continues to file baseless conspiracy allegations.

Otherwise, Stewart's amended complaint is focused on allegations that (1) Janesville police officers are aware that his neighbors repeatedly make false allegations against him yet they continue to file police reports and detain, ticket, or arrest him based on those allegations; and (2) supervisory police officials are aware that Stewart continues to be falsely cited or arrested yet fail to intervene to stop that practice. But I have already allowed Stewart to proceed on those claims in another of his cases. *See Stewart v. Banks*, No. 22-cv-482-jdp, 2023 WL 2386495, at *1 (W.D. Wis. Mar. 7, 2023). There is no reason to have two open lawsuits with the same claims, so I will dismiss this case in its entirety.

ORDER

IT IS ORDERED that:

1. Plaintiff Timothy Lee Stewart's amended complaint, Dkt. 5, is DISMISSED.
2. This case is DISMISSED. The clerk of court is directed to enter judgment accordingly.

Entered January 19, 2024.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge